To: Jordan Chariton[jordanchariton@tytnetwork.com]
Cc: Bassler, Rachel[Bassler.Rachel@epa.gov]
From: Kelley, Jeff
Sent: Tue 1/24/2017 8:13:41 PM
Subject: RE: Where Are Your Detailed Lab Reports For Flint and East Chicago, Indiana

Jordan, below are answers to the questions that you sent EPA on Jan. 12.

1. If the EPA is saying the reason lead got lunged leached into water is because it was dislodged while you were digging up soil, doesn't that point to a very vulnerable infrastructure filled with lead that might already be leaching? High amounts of lead shouldn't be dislodging by digging up soil unless there's a very decrepit pipe with lead contamination already there.

Like many older cities across the nation, East Chicago has a large percentage of service lines made of lead. When lead (or galvanized iron) service lines are disturbed by street or construction work, there is a chance that small particles of lead can break off and get into drinking water. For this reason, EPA began a pilot study at homes in East Chicago to determine whether its cleanup work in East Chicago might have an impact on lead levels in the water. EPA is currently evaluating whether its soil-removal activities had any impact on lead service lines.

2. How would the EPA know cause and effect? Couldn't there have been high lead levels in the water well before digging up ground soil considering these pipes are 60-80 years old?

EPA collected a series of drinking-water samples before and after its soil cleanup work. The pilot study will compare the before-and-after samples to assess whether the cleanup activities had an effect on the lead service lines. That analysis is not complete, but EPA did find elevated lead levels in the "before" samples from some residences. These levels were caused by insufficient orthophosphate levels, and were unrelated to the soil cleanup activity. The primacy authority, IDEM, has been working with the city since September 2016 to add orthophosphate to the system. The City of East Chicago is currently in compliance with EPA's lead and copper rule.

3. You said, "EPA continues to analyze data from the pilot study and has not yet come to any conclusions regarding the effect of excavation work on lead service lines." Where are the full reports with the data for reporters and other experts to dig into? I haven't seen them in E. Chicago or Flint. I'm not talking about Marc Edwards--who the EPA has paid--I'm talking about the full and thorough reports from the homes you've tested.

EPA posts final data to its website as we receive it. EPA has posted final, validated sampling results for Flint, and it is available on EPA's website. On Jan. 23, EPA received the final data for the East Chicago Pilot Study, and will post it on the website.

EPA does not publish the full laboratory reports since they contain personally identifiable information and they are very lengthy (as much as 1,000 pages for each series of samples). EPA can provide you with an example report. If you want copies of the full reports, with PII removed, we will provide them to you. Note that there is a cost to produce them. There are FOIA fee waiver provisions that may be available to you: https://www.epa.gov/foia/foia-request-process#fees

4. The orthophosphates seems to make the point—if the pipes are that compromised that orthophosphates are required, wouldn't the most effective measure for guaranteed safety be to change the pipes? When you say, "Replacing lead service lines is an effective but costly and time-intensive solution": what about the cost of band-aid approaches that aren't 100% blocking lead and other contaminants, therefore infecting children and adults? This is a public health crisis--isn't ensuring the safety of Americans' job number 1 for the EPA and all government officials?

The Lead and Copper Rule (LCR) requires communities to replace lead service lines under certain circumstances, but communities may choose to invest in lead service line replacement. For example, Lansing, MI, Madison, WI, and now Flint have all chosen to invest in new infrastructure to replace lead service lines. EPA is considering proposing full lead service line replacement programs in its revision to the LCR.

In East Chicago, the city is currently adding orthophosphate to chemically bind with the surface of the lead pipes to reduce the amount of lead that leaches into the water. EPA recommends that sensitive populations including children and pregnant women consider using a filter. In Flint, EPA conducted a water filter study that found filters are effective in removing lead.

5. And, as I understand it, orthophosphates are a magnet for bacteria. Is the EPA testing for bacteria in the water in Flint or E. Chicago, which Scott Smith has found in Flint?

Orthophosphate is critical to reducing metals that may leach into water from infrastructure made of lead, copper, and iron. Orthophosphate keeps iron levels low. Iron can cause bacterial growth if not controlled. The key to bacterial safety is proper disinfection through maintaining proper chlorine residual as a barrier against bacterial growth.

In addition to testing for lead, EPA is testing for other metals, pH, alkalinity, total phosphate and chlorine residual. As a best management practice, if chlorine levels are too low (below 0.2 mg/L) or not detected at all, EPA collects samples to ensure that certain bacteria are not present. Of the 43 homes tested, only one home tested with low chlorine levels (.05 mg/L on Oct. 5, 2016). The follow up bacteria samples were negative for total coliform and E. coli. EPA also retested

the home for chlorine on Nov. 17, 2016, and the chlorine level was 0.23 mg/L.

6. Speaking of Smith, you predictably tried to discredit him instead of actually providing any concrete evidence his testing is inaccurate. I have seen what Marc Edwards—an EPA-funded investigator—has said about Smith's testing--it doesn't pass the smell test. What is the specific points you have that prove Smith's Flint investigations are not valid? Considering your officials told me in August water was not an issue in East Chicago, the logic that independent testing is not comparable to the EPA's testing doesn't carry weight.

EPA uses approved scientific methods to measure contaminants. EPA and other entities have developed water testing methods which have undergone rigorous scientific peer-reviews and public comment before they were approved. Water Defense collected some samples via methods that have not undergone scientific review, and which cannot be compared to any current health-based or regulatory standard. EPA and Mr. Smith have discussed this topic on a number of occasions.

7. As far as lead in showers, you said lead doesn't get absorbed by skin. As you know, there's two types of lead: dissolved and particulate. The latter can aerosolize and result in inhalation risk in shower and bath. How is it you can claim it safe to shower with lead above the 15ppb knowing this risk?

EPA has developed drinking water standards for tap water as required under the Safe Drinking Water Act. EPA does not have authority under the SDWA to regulate bathing water or to set standards for its use.

Regarding the issue of skin absorption- The CDC website states that "Bathing and showering should be safe for you and your children, even if the water contains lead over EPA's action level. Human skin does not absorb lead in water." (CDC: https://www.cdc.gov/nceh/lead/tips/water.htm).

Regarding the issue of inhalation of aerosols- There have been studies that have looked at inhalation of aerosol particles in shower water. One specific study (Zhou, Y. et al., *Inhal Toxicol.* 2007 April; 19(4): 333–342) simulated a shower scenario and measured the concentration of aerosol particles that could be inhaled by a person during such an event. Their findings were that the volume of a water aerosol that would be inhaled during a typical shower would be much less than 1 milliliter (0.001 liters). Therefore, the inhalation of lead in a water aerosol during showering would make a very small contribution to lead exposure from water.

Another supporting statement on these issues is from a fact sheet from Health Canada- "Note that lead from drinking water is not absorbed through the skin and is not taken in through breathing. As a result, exposure to lead from showering, bathing, dishwashing or cleaning is not a concern." (Health Canada: http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/lead-plomb-eng.php)

8. As I understand it, after Smith started testing water heaters in Flint, the EPA funded more testing for VA Tech and Marc Edwards, who tested some water heaters and concluded that flushing didn't work. Is that correct and isn't it kind of passing blame onto homeowners if high levels of lead and other contaminants are found in water heater? For example, the water heater I found high levels of lead and chloroform was just two years old. How can the EPA claim this is a function of not draining? Water heaters a couple years old should not contain lead levels of 780ppb—that's not a function of not draining—that means there's contamination coming from the pipes, no?

Because all water corrodes metals, manufacturers recommend flushing water heaters once a year. In cases where people don't follow flushing recommendations, excess sediment, including metals and minerals, can accumulate in water heaters. Because hot water can contain higher levels of lead, EPA recommends to use cold water for eating, drinking, and brushing your teeth. EPA conducted an assessment of hot water in Flint homes and detected no contaminants of concern -- other than lead -- above regulatory levels. EPA's data can be found at https://www.epa.gov/flint/flint-water-sampling-objectives/.

9. When you say, "Bathing and showering should be safe for adults and children, even if the water contains lead over EPA's action level. Human skin does not absorb lead in water," that ignores the danger of lead inhalation (as well as chloroform and other toxins). What does the EPA have to say about that?

Chloroform is a disinfection byproduct that occurs when naturally-occurring organic and inorganic materials in the water react with the chlorine disinfectant. In establishing a Maximum Contaminant Levels (MCLs) for disinfection byproducts in drinking water and other volatile compounds, the Agency studied all direct and indirect exposure pathways. Because total trihalomethanes (which includes chloroform) and other volatile contaminants are known to disperse from tap water into the air, EPA studied inhalation risks when the MCLs were set.

10. How can the EPA say it's safe to shower and bathe without testing water heaters or showers. There are far more contamination sources than just lead, which as I've stated above, is dangerous to shower in for reasons other than it seeping into a person's skin. Why is the EPA not testing the water heater and shower?

See responses above.

Jeff Kelley
Director, Office of External Communications
U.S. EPA Region 5
ph: 312-353-1159

From: Jordan Chariton [mailto:jordanchariton@tytnetwork.com]
Sent: Thursday, January 12, 2017 9:23 PM
To: Kaplan, Robert <kaplan.robert@epa.gov>
Cc: Lee, Monica <Lee.Monica@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>
Subject: Re: Where Are Your Detailed Lab Reports For Flint and East Chicago, Indiana

Thanks for the response. Not interested in speaking with another communications person. I've seen you speak with Mlive and others, so shouldn't be difficult to find time for me.

Until then, I'll keep on reporting. Thanks.

Jordan

Jordan Chariton

TYT Political Reporter

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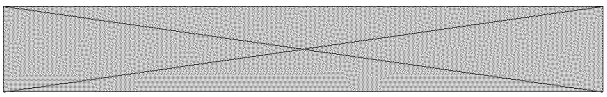

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On Thu, Jan 12, 2017 at 9:24 PM, Kaplan, Robert <kaplan.robert@epa.gov> wrote:

Hello Jordan,

Thanks for your email. Toward the end of last week, I was in Boston caring for a family member. During that time, I understand you have been working with our press office and our Water Division to get answers to your questions.

We are pleased to provide you with any data that is not in the lab for processing or prohibited from disclosure by law (i.e., personal medical info). As I think you know, we put sampling data on our website as it becomes available. I share your conviction that data must be made available, and must be timely and complete.

We are also pleased to work with you to get answers to your questions. I have copied Jeff Kelley of my staff to assist you. He can talk to you at 1:00 pm cst tomorrow (Friday).

Thanks. We look forward to working with you tomorrow.

- Bob

Robert Kaplan

Acting Regional Administrator

EPA Region 5

On Jan 12, 2017, at 5:03 PM, Jordan Chariton <jordanchariton@tytnetwork.com> wrote:

Hi Robert,

Jordan from The Young Turks here. Hope you're having a nice New Year.

Since Monica hasn't been able to respond to my litany of questions (see below), I'm reaching out to you once again. We had a reporter on the ground in Chicago Tuesday for your behind-the-scenes, non-transparent meeting, where sources tell me your EPA-funded scientist Marc Edwards shot down anybody else's data or evidence that the water in Flint is not exactly fine or improving much.

We also had a reporter at the town hall yesterday, where none of the below questions were answered or information provided to citizens. I understand you have a tough job, but I'm not going away. **We already have a combined 81,000 views on YouTube and Facebook for the video we did on Marc Edwards' fairly damning phone call with a Flint resident---and those views are only going to get bigger the more videos we do.** If you provide me data and answers—which the citizens of Flint are entitled to—I'd be happy to move onto my next story. But if I continue to get PR spin, this story is only going to get bigger.

https://www.youtube.com/watch?v=FoKN45simAo

https://www.facebook.com/TheYoungTurks/videos/10154278343569205/

And here is some media pickup we've already gotten:

http://www.alternet.org/human-rights/mike-pence-was-asked-solve-lead-poisoning-crisis-his-own-backyard-one-resident-explains

http://www.commondreams.org/news/2017/01/10/flint-residents-barred-closed-door-

water-quality-meeting

For your reference, TYT was at the forefront of Standing Rock, helping to make this one of the bigger stories of 2016.

Here are the questions I sent to Monica. Please get back to me as soon as possible. I will continue digging around in the meantime with sources at the EPA.

1. If the EPA is saying the reason lead got lunged leached into water is because it was dislodged while you were digging up soil, doesn't that point to a very vulnerable infrastructure filled with lead that might already be leaching? High amounts of lead shouldn't be dislodging by digging up soil unless there's a very decrepit pipe with lead contamination already there.

2. How would the EPA know cause and effect? Couldn't there have been high lead levels in the water well before digging up ground soil considering these pipes are 60-80 years old?

3. You said, "EPA continues to analyze data from the pilot study and has not yet come to any conclusions regarding the effect of excavation work on lead service lines." Where are the full reports with the data for reporters and other experts to dig into? I haven't seen them in E. Chicago or Flint. I'm not talking about Marc Edwards--who the EPA has paid--I'm talking about the full and thorough reports from the homes you've tested.

4. The orthophosphates seems to make the point—if the pipes are that compromised that orthophosphates are required, wouldn't the most effective measure for guaranteed safety be to change the pipes? When you say, "Replacing lead service lines is an effective but costly and time-intensive solution": **what about the cost of band-aid approaches that aren't 100% blocking lead and other contaminants, therefore infecting children and adults? This is a public health crisis--isn't ensuring the safety of Americans' job number 1 for the EPA and all government officials?**

5. And, as I understand it, orthophosphates are a magnet for bacteria. Is the EPA testing for bacteria in the water in Flint or E. Chicago, which Scott Smith has found in Flint?

6. Speaking of Smith, you predictably tried to discredit him instead of actually providing any concrete evidence his testing is innacurate. I have seen what Marc Edwards—an EPA-funded investigator—has said about Smith's testing--it doesn't pass the smell test. What is the specific points you have that prove Smith's Flint investigations are not valid? Considering your officials told me in August water was not an issue in East Chicago, the logic that independent testing is not comparable to the EPA's testing doesn't carry weight.

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9. When you say, "Bathing and showering should be safe for adults and children, even if the water contains lead over EPA's action level. Human skin does not absorb lead in water," that ignores the danger of lead inhalation (as well as chloroform and other toxins). What does the EPA have to say about that?

10. **Your statement did not address my fundamental question**—how can the EPA say it's safe to shower and bathe without testing water heaters or showers. There are far more contamination sources than just lead, which as I've stated above, is dangerous to shower in for reasons other than it seeping into a person's skin. Why is the EPA not testing the water heater and shower?

Jordan Chariton

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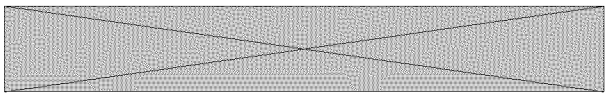

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